## IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NORTH CAROLINA WESTERN DIVISION

No. 5:07-CV-174-H

LILIANA MARTINEZ-HERNANDEZ and ULDA APONTE, both individually and on behalf of all other similarly situated persons,	)	
Plaintiffs,	)	
v.	)	<u>ORDER</u>
BUTTERBALL, L.L.C.,	)	
Defendant.	)	

This matter is before the Court on Defendant's Motion to Seal Exhibit. [DE-342.] Defendant's motion fails to fully comply with the Court's procedure for filing motions to seal documents. Defendant cited no authority requiring the document be sealed and, consequently, must file a memorandum in support of its motion that specifies (i) the exact document or item, or portions thereof, for which filing under seal is requested; (ii) how such request to seal overcomes the common law or the First Amendment presumption to access; (iii) the specific qualities of the material at issue which justify sealing such material, taking into account the balance of competing interest in access; (iv) the reasons why alternatives to sealing are inadequate; and (v) whether there is consent to the motion. *See* Electronic Case Filing Administrative Policies and Procedures Manual § T(1)(a)1. (Rev. Jan. 25, 2010). Defendant's proposed order must set forth such findings. *See id*.

Accordingly, Defendant's motion is **DENIED** with leave to refile within **fourteen** (14) days of entry of this order. The proposed sealed document shall remain **SEALED** to allow Defendant time to refile its request. In the event Defendant fails to refile its request within fourteen (14) days

of entry of this order, the Clerk is **DIRECTED** to unseal the document.

This  $\underline{\gamma}$  day of July, 2010.

DAVID W. DANKEL

United States Magistrate Judge